

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS,
individually and as Successor
in Interest for RICHARD
DESANTIS, deceased, and as
Guardian Ad Litem for DANI
DESANTIS, a minor and TIMOTHY
FARRELL, a minor,

CERTIFIED COPY

Plaintiffs,

vs.

CASE NO. C 07 3386 JSW

CITY OF SANTA ROSA, JERRY
SOARES, RICH CELLI, TRAVIS
MENKE, PATRICIA MANN and DOES
1 through 25, inclusive,

Defendants.

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DEPOSITION OF
RICHARD CELLI - VOLUME I

November 14, 2007

Reported by:
JUDY A. MANFRED
CSR No. 4748

HANNAH KAUFMAN & ASSOCIATES, INC.
Certified Shorthand Reporters
472 Pacheco Street
San Francisco, California 94116
(415) 664-4269

1	I N D E X	1	RICHARD CELLI,
2	PAGE	2	sworn as a witness by the Certified
3	DEPOSITION OF RICHARD CELLI - VOLUME I	3	Shorthand Reporter, testified as follows:
4	EXAMINATION BY MR. SCOTT	4	-oOo-
5		5	THE VIDEOGRAPHER: Good afternoon. This marks
6	E X H I B I T S	6	the beginning of volume 1, videotape 1 in the deposition
7	(No Exhibits Marked.)	7	of Richard Celli in the matter of Patricia Desantis, et
8		8	al. versus City of Santa Rosa, et al. in the United States
9		9	District Court, Northern District of California, Court
10		10	case number C 07-3386 JSW. Today's date is November 14th,
11		11	2007 and the time it 1:39. The location of this
12		12	deposition is 1375 Sutter Street, Suite 222, San
13		13	Francisco, California. The deposition was noticed by John
14		14	Scott of The Scott Law Firm and the videotape is being
15		15	produced on behalf of the plaintiff. The video operator
16		16	is James Taylor, a California Notary Public for the County
17		17	of San Francisco, employed by Dan Mottaz Video
18		18	Productions, LLC, 182 Second Street, Suite 202, San
19		19	Francisco, California 94105, 415-624-1300. The Court
20		20	Reporter is Judy Manfred.
21		21	Would counsel please identify themselves and
22		22	state whom they represent.
23		23	MR. SCOTT: John Scott appearing for the
24		24	plaintiffs.
25		25	MR. SAFIRE: Eric Safire appearing for plaintiff.
	2		4
1	BE IT REMEMBERED that pursuant to Notice of	1	MS. FOWLER: Caroline Fowler, Assistant City
2	Taking Deposition, and on Wednesday, the 14th day of	2	Attorney appearing for all of the defendants.
3	November, 2007, commencing at the hour of 1:39 p.m.	3	THE VIDEOGRAPHER: If there are no stipulations
4	thereof, at the offices of The Scott Law Firm, 1375 Sutter	4	the Court Reporter may administer the oath.
5	Street, Suite 222, San Francisco, California, before me	5	(The oath was administered by the Court
6	JUDY A. MANFRED, a Certified Shorthand Reporter in the	6	Reporter.)
7	State of California, personally appeared,	7	EXAMINATION BY MR. SCOTT
8	RICHARD CELLI,	8	MR. SCOTT: Q. Would you state your full name
9	called as a witness herein; and the said witness, being by	9	for the record, please?
10	me first duly sworn, was thereupon examined and testified	10	A. Richard Todd Celli.
11	as is hereinafter set forth.	11	Q. Have you ever been known by any other names?
12		12	A. No.
13	APPEARANCES	13	Q. You are a sergeant with the Santa Rosa Police
14	THE SCOTT LAW FIRM, 1375 Sutter Street, Suite	14	Department; is that correct?
15	222, San Francisco, California 94109, represented by JOHN	15	A. Yes.
16	H. SCOTT, Attorney at Law, appeared on behalf of the	16	Q. And do you have a preference whether I refer to
17	Plaintiffs.	17	you as Mr. Celli or Sergeant Celli?
18	LAW OFFICES OF ERIC SAFIRE, 2431 Fillmore	18	A. Mister is fine.
19	Street, San Francisco, California 94115, represented by	19	Q. Mr. Celli, my name is John Scott. I'm one of the
20	ERIC SAFIRE, Attorney at Law, appeared on behalf of the	20	attorneys who represents the plaintiffs in this case.
21	Plaintiffs.	21	That would be Richard Desantis, wife, and his two-year-old
22	OFFICE OF THE CITY ATTORNEY, 100 Santa Rosa	22	daughter in a lawsuit that's been brought against the City
23	Avenue, Santa Rosa, California 95402-1678, represented by	23	of Santa Rosa, you and others, relating to a shooting
24	CAROLINE L. FOWLER, Assistant City Attorney, appeared on	24	death that occurred earlier this year in April.
25	behalf of the Defendants.	25	First of all, just so we have it clear that
	3		5

DEPOSITION OF RICHARD CELLI

<p>1 A. I wanted Mr. -- Officer Menke to give orders that 2 Mr. Desantis would understand and follow. 3 Q. Towards what end? 4 A. A safe resolution to the situation. 5 Q. And what was that going to be? 6 A. Taking him into custody. 7 Q. Oh. At some point did you see this as a 5150 8 situation? 9 A. I don't know what I had at the time. 10 Q. At some point did you learn that Mr. Desantis was 11 bipolar? 12 MS. FOWLER: Object. Assumes facts not in 13 evidence. You can answer that if you have an 14 understanding. 15 THE WITNESS: I don't know if Mr. Desantis was 16 bipolar or not. 17 MR. SCOTT: Q. Did -- at some point that night 18 did you hear anyone say that? 19 A. Yes. 20 Q. Who said it? 21 A. Patricia. 22 Q. When did she first say that to you? 23 A. After he had already been stopped. 24 Q. When you say stopped, what do you mean by that? 25 You mean killed?</p> <p style="text-align: right;">106</p>	<p>1 mental illness? 2 A. I don't recall hearing it. 3 Q. So you heard Officer Menke give commands to 4 Mr. Desantis. Did Mr. Desantis appear to hear and 5 understand the commands? 6 A. Yes. 7 Q. Did it appear to you that he was complying with 8 those commands? 9 A. Hesitantly. 10 Q. What do you mean by that? 11 A. Officer Menke would have to repeat commands over 12 and over. 13 Q. And did Officer Menke have to make several 14 commands before Mr. Desantis responded? 15 A. Yes. 16 Q. At this point did you believe that another option 17 would have been to negotiate instead of make commands? 18 A. No. 19 Q. Why not? 20 A. Mr. Desantis had to be controlled. 21 Q. Did you believe that you could control him 22 through negotiations? 23 A. No. 24 Q. Why did you believe that? 25 A. Based upon Mr. Desantis's reactions and the</p> <p style="text-align: right;">108</p>
<p>1 A. When he had been shot. 2 Q. So you heard Mrs. Desantis say that her husband 3 was bipolar after he was shot? 4 A. Yes. 5 Q. Did you hear her say that to anyone before he was 6 shot? 7 A. No. 8 Q. To your knowledge, had she told that to anyone 9 before he was shot? 10 A. I believe the call taker. 11 Q. And was that something you heard on the radio 12 traffic before you arrived? 13 A. I don't know. 14 Q. But you heard something in the radio traffic that 15 described Mr. Desantis as bipolar? 16 MS. FOWLER: Object. That misstates his 17 testimony. 18 THE WITNESS: I don't know. 19 MR. SCOTT: Q. Okay. And by that, you don't 20 remember or you -- 21 A. I don't recall hearing specifically that 22 Mr. Desantis was bipolar. 23 Q. Did you hear that he was suffering from any kind 24 of psychosis or mental illness or mental or emotional 25 problem, anything that would come within the category of</p> <p style="text-align: right;">107</p>	<p>1 dynamics of the situation. 2 Q. What was it about his reactions and dynamics of 3 the situation that led you to believe that commands were 4 necessary instead of negotiations to get control of the 5 situation? 6 A. It was my belief that Mr. Desantis still posed a 7 threat to his family, the community, and the officers and 8 that he had to be detained to make sure that there weren't 9 any injuries to anyone there. 10 Q. I agree. This guy needed to be detained and put 11 in handcuffs and locked up. Nobody is disputing that. My 12 question is, why did you think the best way to accomplish 13 that was through commands instead of negotiation? 14 A. Mr. Desantis never spoke a word. 15 Q. In response to commands? 16 A. Correct. 17 Q. Was there any attempt to negotiate with him? 18 A. No. 19 Q. Okay. And based on your training, are you 20 trained in certain situations where people do not respond 21 to commands, it might be appropriate to try to negotiate 22 with them? 23 A. Repeat the question. 24 Q. Are you trained in situations where suspects do 25 not respond to commands that it might be appropriate to</p> <p style="text-align: right;">109</p>


DEPOSITION OF RICHARD CELLI

STATE OF CALIFORNIA

I do hereby certify that the witness in the foregoing deposition was by me duly sworn to testify the truth, the whole truth, and nothing but the truth in the within-entitled cause; that said deposition was taken at the time and place therein stated; that the testimony of the said witness was reported by me, a Certified Shorthand Reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting; that thereafter, the witness was given an opportunity to read and correct the deposition transcript, and to subscribe the same; that if unsigned by the witness, the signature has been waived in accordance with stipulation between counsel for the respective parties.

And I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand the 26th
day of November, 2007.



Certified Shorthand Reporter

CSR No. 4748